

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

|   |          |                        |
|---|----------|------------------------|
| <b>PETITION OF AT&amp;T COMMUNICATIONS OF</b> | <b>)</b> |                        |
| <b>THE SOUTH CENTRAL STATES, INC. FOR</b>     | <b>)</b> |                        |
| <b>CONFIDENTIAL TREATMENT OF ITS</b>          | <b>)</b> | <b>CASE NO. 91-117</b> |
| <b>KENTUCKY QUARTERLY SURVEILLANCE</b>        | <b>)</b> |                        |
| <b>REPORT</b>                                 | <b>)</b> |                        |

**O R D E R**

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed March 27, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of AT&T's Kentucky Quarterly Surveillance Report and its supporting data on the grounds that public disclosure of the information is likely to result in competitive injury, and it appearing to this Commission as follows:

AT&T seeks to protect as confidential its Kentucky Quarterly Surveillance Report and the data used in conjunction with the report. Contained in the report are AT&T's December Quarterly Kentucky Surveillance Report (Monthly Report No. 1); AT&T's Balance Sheet (Monthly Report No. 2); and AT&T's Income Statement (Monthly Report No. 3).

The information sought to be protected is not known outside of AT&T and is not disseminated within AT&T except to those employees who have a legitimate business need to know and act upon the information. AT&T seeks to protect the confidentiality of the information through all appropriate means.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

AT&T maintains that the material sought to be protected contains cost of service information which would allow competitors to learn valuable pricing information which is not otherwise available, and which could be used in the marketing of their services to the detriment of AT&T. AT&T also maintains that disclosure of the expense and tax information would allow AT&T competitors to learn valuable marketing information which could be used in the marketing of services competing with AT&T. The information, however, is presented in summary form and does not provide sufficient detail to be of significant competitive value. Therefore, the petition should be denied.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

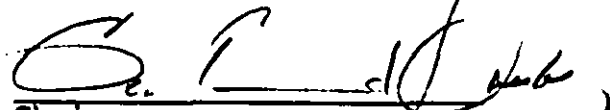
1. The petition for confidential protection of AT&T's Kentucky Quarterly Surveillance Report and its supporting data be and it hereby is denied.


2. The information sought to be protected from disclosure shall be held as confidential and proprietary for 5 working days

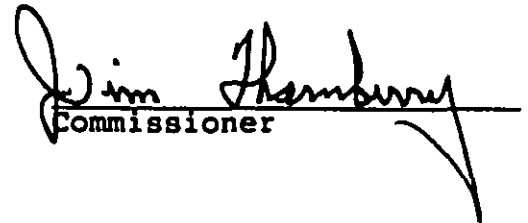
from the date of this Order, at the expiration of which time, it shall be placed in the public record.

Done at Frankfort, Kentucky, this 30th day of April, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director